

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH G. STANDISH,

Plaintiff,

v.

VILLAGE OF ALBION, NY, et al.,

Defendants.

17-CV-980
DECISION AND ORDER

On September 29, 2017, the plaintiff commenced this action. Docket Item 1. On October 11, 2017, this Court referred this case to United States Magistrate Judge Hugh B. Scott for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 6. On May 23, 2019, one of the defendants, Randall Bower, moved for summary judgment, Docket Item 22; on July 31, 2019, the plaintiff responded, Docket Item 26; and on August 9, 2019, Bower replied, Docket Item 29. On August 22, 2019, Judge Scott issued a Report and Recommendation ("R&R") finding that Bower's motion should be granted. Docket Item 30. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72

requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Scott's R&R as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Scott's recommendation to grant Bower's motion.

For the reasons stated above and in the R&R, Bower's motion for summary judgment, Docket Item 22, is GRANTED; all claims against defendant Bower are dismissed with prejudice. The case is referred back to Judge Scott for further proceedings consistent with the referral order of October 11, 2017, Docket Item 6.

SO ORDERED.

Dated: September 16, 2019
Buffalo, New York

/s Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE